

EXHIBIT 123

Excerpts from Plaintiffs' Second Amended Interrogatory Responses

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[Additional Counsel Listed on Signature Page]

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Cung Le, Nathan Quarry, Jon Fitch, Brandon
Vera, Luis Javier Vazquez, and Kyle Kingsbury, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

Defendant.

Case No. 2:15-cv-01045-RFB-(PAL)

**PLAINTIFFS' ANSWERS TO
DEFENDANT ZUFFA, LLC'S
SECOND SET OF
INTERROGATORIES TO
PLAINTIFFS LE, QUARRY, FITCH,
VERA, VAZQUEZ, AND KINGSBURY**

1 multiple agreements with sponsors and multiple agreements with venues. Plaintiffs further object
2 to this interrogatory on the ground that it is premature because Plaintiffs have not received all
3 requested discovery, several discovery motions are pending, and Plaintiffs have not completed
4 their expert work. Plaintiffs will submit a supplemental response when fact and expert discovery
5 has been concluded, all discovery related motions have been resolved, and all expert analysis has
6 been completed.

7
8 **INTERROGATORY NO. 6 (One Answer):**

9 For each consecutive three-month period of the relevant time period, **IDENTIFY** all
10 **ATHLETES** who competed in a bout for any **OTHER PROMOTER** and who were at that time
11 “Elite Professional MMA Fighters” as defined in paragraph 27(d) of the **COMPLAINT** during
12 that time period.

13 **ANSWER:**

14 In addition to the General Objections set forth above, Plaintiffs object on the ground that
15 responding to this interrogatory requires expert analysis and opinion and expert discovery has
16 not yet completed. Plaintiffs further object to this interrogatory on the ground that it is
17 premature because Plaintiffs have not received all requested discovery, several discovery motions
18 are pending, and Plaintiffs have not completed their expert work. Plaintiffs will submit a
19 supplemental response when fact and expert discovery has been concluded, all discovery related
20 motions have been resolved, and all expert analysis has been completed.

21
22 **INTERROGATORY NO. 7 (One Answer):**

23 For each consecutive three-month period of the relevant time period, **IDENTIFY** all
24 **ATHLETES** who competed in a bout for **ZUFFA** who were at that time “Elite Professional
25 MMA Fighters” as defined in paragraph 27(d) of the **COMPLAINT** during that time period.
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27
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ANSWER:

In addition to the General Objections set forth above, Plaintiffs object on the ground that responding to this interrogatory requires expert analysis and opinion and expert discovery has not yet completed. Plaintiffs further object to this interrogatory on the ground that it is premature because Plaintiffs have not received all requested discovery, several discovery motions are pending, and Plaintiffs have not completed their expert work. Plaintiffs will submit a supplemental response when fact and expert discovery has been concluded, all discovery related motions have been resolved, and all expert analysis has been completed.

INTERROGATORY NO. 8 (One Answer):

For each three-month period of the relevant time period and for each **ATHLETE** identified as an “Elite Professional MMA Fighter” in your responses to Interrogatory 6 (One Answer) and Interrogatory 7 (One Answer), **IDENTIFY** how each **ATHLETE** meets the following qualifications (as those terms are used in paragraph 27(d) of the **COMPLAINT**): (1) “have demonstrated success through competition in local and/or regional MMA promotions” or (2) “developed significant public notoriety amongst MMA Industry media and the consuming audience through demonstrated success in athletic competition.”

ANSWER:

In addition to the General Objections set forth above, Plaintiffs object on the ground that responding to this interrogatory requires expert analysis and opinion and expert discovery has not yet completed. Plaintiffs further object that this interrogatory is compound in that it asks Plaintiffs to identify how each athlete has demonstrated success through competition in local and/or regional MMA promotions and how each athlete has developed significant public notoriety amongst MMA industry media and the consuming audience. Plaintiffs further object to this interrogatory on the ground that it is premature because Plaintiffs have not received all requested discovery, several discovery motions are pending, and Plaintiffs have not completed their expert work. Plaintiffs will submit a supplemental response when fact and expert discovery

1 has been concluded, all discovery related motions have been resolved, and all expert analysis has
 2 been completed. .

3
 4 **INTERROGATORY NO. 9 (One Answer):**

5 **IDENTIFY** each “Would-Be Rival MMA Promoter” that has been denied “necessary
 6 inputs” as those terms are used in Section VII of the **COMPLAINT** and the inputs that have
 7 been denied to each such promoter.

8 **ANSWER:**

9 In addition to the General Objections set forth above, Plaintiffs object on the ground that
 10 responding to this interrogatory requires expert analysis and opinion and expert discovery has
 11 not yet completed. Plaintiffs further object to this interrogatory on the ground that it is
 12 premature because Plaintiffs have not received all requested discovery, several discovery motions
 13 are pending, and Plaintiffs have not completed their expert work. Plaintiffs will submit a
 14 supplemental response when fact and expert discovery has been concluded, all discovery related
 15 motions have been resolved, and all expert analysis has been completed.

16
 17 **INTERROGATORY NO. 10 (One Answer):**

18 For each year of the relevant time period, please **IDENTIFY** every “meaningful
 19 Promoter of live Elite Professional MMA,” whether or not each identified promoter is in the
 20 “minor leagues” (as those terms are used in paragraph 128 and heading VII(A)(2) of the
 21 **COMPLAINT**), and all criteria that qualify or qualified each identified promoter as
 22 “meaningful.”

23 **ANSWER:**

24 In addition to the General Objections set forth above, Plaintiffs object on the ground that
 25 responding to this interrogatory requires expert analysis and opinion and expert discovery has
 26 not yet completed. Plaintiffs further object to this interrogatory on the ground that it is
 27 premature because Plaintiffs have not received all requested discovery, several discovery motions
 28

are pending, and Plaintiffs have not completed their expert work. Plaintiffs will submit a supplemental response when fact and expert discovery has been concluded, all discovery related motions have been resolved, and all expert analysis has been completed.

INTERROGATORY NO. 11 (One Answer):

State the factual basis for the allegations in paragraph 155 of the **COMPLAINT**, including the data source(s) from which the “average . . . MMA bouts per UFC Fighter per year” was obtained or derived (regardless of whether it was obtained or derived by You, a person acting on Your behalf, or a third party).

ANSWER:

In addition to the General Objections set forth above, Plaintiffs object to this interrogatory on the ground that it seeks information known to and equally available to Zuffa. Plaintiffs further object on the ground that responding to this interrogatory requires expert analysis and opinion and expert discovery has not yet completed. Subject to and without waiving their objections, Plaintiffs respond to Interrogatory No. 11 as follows:

Plaintiffs’ Common Response:

In an interview posted to the UFC’s YouTube page on January 16, 2012, Lorenzo Fertitta states that UFC fighters “fight on average 1.6 times per year.” *See* Lorenzo Fertitta Interview – Uncut, at 19:13, available at <https://www.youtube.com/watch?v=ck0Lb8pDmVg>. Plaintiffs conducted further analysis using a statement made by Dana White as quoted in an article entitled “Dana White on UFC roster cuts: ‘There’s 100 more guys that are gonna go’,” written by Dave Doyle and published on February 21, 2013, on the MMAFighting.com website, available for download at <http://www.mmafighting.com/ufc/2013/2/21/4015876/dana-white-on-ufc-roster-cuts-theres-100-more-guys-that-are-gonna-go>. In that article, Mr. White is quoted as saying, “We have 475 guys under contract.” Plaintiffs used that number and the number of bouts Zuffa put on in 2013 to calculate the average number of bouts per fighter.

1 **INTERROGATORY NO. 12 (One Answer):**

2 State the factual basis for the allegations in paragraph 103 of the **COMPLAINT**, including the
3 data source(s) from which the “50% of league revenue” was obtained or derived (regardless of
4 whether it was obtained or derived by You, a person acting on Your behalf, or a third party).

5 **ANSWER:**

6 In addition to the General Objections set forth above, Plaintiffs object to this
7 Interrogatory on the ground that it seeks information known to and equally available to Zuffa.
8 Plaintiffs further object on the ground that responding to this interrogatory requires expert
9 analysis and opinion and expert discovery has not yet been completed. Subject to and without
10 waiving their objections, Plaintiffs respond to Interrogatory No. 12 as follows:

11 **Plaintiffs’ Common Response:**

12 Plaintiffs do not believe the UFC is, and do not assert that the UFC has ever been a
13 “league.” Zuffa is a promoter of mixed martial arts events—an individual sport. The comparison
14 to the “Big 4” was intended solely to make the point that Elite Professional MMA Fighters are
15 under-compensated.

16 Plaintiffs based their analysis on the collective bargaining agreements for certain other
17 major league professional sports.

18
19 **INTERROGATORY NO. 13 (One Answer):**

20 State the factual basis for the allegations in paragraphs 7 and 74 of the **COMPLAINT**
21 that UFC controls approximately 90% of the revenues derived from live Elite Professional MMA
22 bouts, including the data source(s) from which the 90% figure was obtained or derived (regardless
23 of whether it was obtained or derived by You, a person acting on Your behalf, or a third party).

24 **ANSWER:**

25 In addition to the General Objections set forth above, Plaintiffs object to this
26 Interrogatory on the ground that it seeks information known to and equally available to Zuffa.
27 Plaintiffs further object on the ground that responding to this interrogatory requires expert
28

analysis and opinion and expert discovery has not yet completed. Subject to and without waiving their objections, Plaintiffs respond to Interrogatory No. 13 as follows:

Plaintiffs' Common Response:

The allegations in paragraphs 7 and 74 of the Complaint that the UFC controls approximately 90% of the revenues derived from live Elite Professional MMA Fighter bouts comes from an article entitled "Ultimate Cash Machine," written by Matthew Miller and published in Forbes magazine on April 17, 2008. The article is available at <https://www.forbes.com/forbes/2008/0505/080.html>.

DATED: May 8, 2017

/s/ Joseph R. Saveri

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*Counsel for Individual and Representative Plaintiffs
Cung Le, Nathan Quarry, Jon Fitch, Luis Javier
Vazquez, Brandon Vera and Kyle Kingsbury*

CERTIFICATE OF SERVICE

I, Kevin E. Rayhill, am employed by the Joseph Saveri Law Firm, Inc. My business address is 555 Montgomery Street, Suite 1210, San Francisco, CA 94111. I am over the age of eighteen and not a party to this action.

On May 8, 2017, I served the following documents via ECF on all parties to this action:

PLAINTIFFS' ANSWERS TO DEFENDANT ZUFFA, LLC'S SECOND SET OF INTERROGATORIES TO PLAINTIFFS LE, QUARRY, FITCH, VERA, VAZQUEZ, AND KINGSBURY

/s/ Kevin E. Rayhill

Kevin E. Rayhill

VERIFICATION

My name is Jon Fitch. I am one of the named Plaintiffs in the action captioned Le et al. v. Zuffa, LLC, Case No. 2:15-cv-01045-RFB-PAL (D. Nev.).

I have reviewed the following document:

**PLAINTIFFS' ANSWERS TO DEFENDANT ZUFFA, LLC'S SECOND SET OF
INDIVIDUAL INTERROGATORIES TO PLAINTIFFS LE, QUARRY, FITCH,
VERA, VAZQUEZ, AND KINGSBURY**

I believe this document to be true and accurate with respect to statements based on my personal knowledge. Otherwise, I am informed and believe that the matters stated therein are true and correct.

I declare under penalty of perjury under the laws of the United States that these answers are true and correct. Executed on the 8th day of May, 2017.



Jon Fitch

VERIFICATION

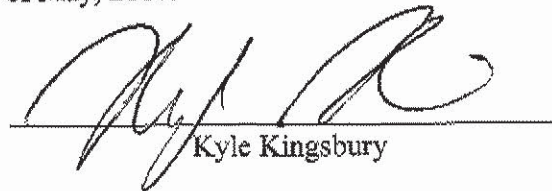
My name is Kyle Kingsbury. I am one of the named Plaintiffs in the action captioned Le et al. v. Zuffa, LLC, Case No. 2:15-cv-01045-RFB-PAL (D. Nev.).

I have reviewed the following document:

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INDIVIDUAL INTERROGATORIES TO PLAINTIFFS LE, QUARRY, FITCH,
VERA, VAZQUEZ, AND KINGSBURY**

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I declare under penalty of perjury under the laws of the United States that these answers are true and correct. Executed on the 8th day of May, 2017.



Kyle Kingsbury

VERIFICATION

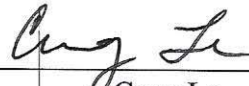
My name is Cung Le. I am one of the named Plaintiffs in the action captioned Le et al. v. Zuffa, LLC, Case No. 2:15-cv-01045-RFB-PAL (D. Nev.).

I have reviewed the following document:

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VERA, VAZQUEZ, AND KINGSBURY**

I believe this document to be true and accurate with respect to statements based on my personal knowledge. Otherwise, I am informed and believe that the matters stated therein are true and correct.

I declare under penalty of perjury under the laws of the United States that these answers are true and correct. Executed on the 8th day of May, 2017.


Cung Le

VERIFICATION

My name is Nathan Quarry. I am one of the named Plaintiffs in the action captioned Le et al. v. Zuffa, LLC, Case No. 2:15-cv-01045-RFB-PAL (D. Nev.).

I have reviewed the following document:

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I believe this document to be true and accurate with respect to statements based on my personal knowledge. Otherwise, I am informed and believe that the matters stated therein are true and correct.

I declare under penalty of perjury under the laws of the United States that these answers are true and correct. Executed on the 8th day of May, 2017.


Nathan Quarry

VERIFICATION

My name is Luis Javier Vazquez. I am one of the named Plaintiffs in the action captioned Le et al. v. Zuffa, LLC, Case No. 2:15-cv-01045-RFB-PAL (D. Nev.).

I have reviewed the following document:

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I declare under penalty of perjury under the laws of the United States that these answers are true and correct. Executed on the 8th day of May, 2017.



Luis Javier Vazquez

VERIFICATION

My name is Brandon Vera. I am one of the named Plaintiffs in the action captioned Le et al. v. Zuffa, LLC, Case No. 2:15-cv-01045-RFB-PAL (D. Nev.).

I have reviewed the following document:

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I believe this document to be true and accurate with respect to statements based on my personal knowledge. Otherwise, I am informed and believe that the matters stated therein are true and correct.

I declare under penalty of perjury under the laws of the United States that these answers are true and correct. Executed on the 8th day of May, 2017.



Brandon Vera